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**Williams, Morgan &  
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|--------------------------|--|---------------|---|
| <b>To:</b>               | Examiner Chih-Min Kam<br>Group Art Unit 1656 | <b>From:</b>  | Raymund F. Eich, Ph.D.<br>Reg. No. 42,508 |
| <b>Fax:</b>              | 1-571-273-8300                               | <b>Phone:</b> | 713-934-4065                              |
| <b>No. of<br/>Pages:</b> | 11   | <b>Date:</b>  | December 21, 2005                         |
| <b>Re:</b>               | Serial No. 10/027,016                        | <b>File:</b>  | 2103.000500                               |

\*w/ coversheet

**ORIGINAL:**      Will follow      **XX** Will not follow

**\*Comments:**

#### CONFIDENTIALITY NOTE

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**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

RAMA AKELLA  
JOHN P. RANIERI

Serial No.: 10/027,015

Filed: December 21, 2001

For: COMPOSITIONS AND METHODS FOR  
PROMOTING MYOCARDIAL AND  
PERIPHERAL ANGIOGENESIS

Confirmation No.: 1147

Group Art Unit: 1656

Examiner: Chih Min Kam

Attorney Docket: 2103.000500/RFE  
(SBI-091)

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**RESPONSE TO NOTICE OF NON-COMPLIANT  
AMENDMENT (37 CFR 1.121) DATED OCTOBER 28, 2005**MAIL STOP AMENDMENT  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450**CERTIFICATE OF FACSIMILE  
37 C.F.R. § 1.6(d)**I hereby certify that this paper is being facsimile transmitted  
to MAIL STOP AMENDMENT, Commissioner for Patents,  
P. O. Box 1450, Alexandria, VA 22313-1450, facsimile  
number 1-571-273-8300, on this 21<sup>st</sup> day of December  
2005.  
Cynde Meinhardt

Sir:

This paper is submitted in response to the Notice of Non-Compliant Amendment dated October 28, 2005, for which the one-month date for response was November 28, 2005. However, although the stated mailing date of the Notice was October 28, 2005, the envelope in which the Notice was sent was postmarked December 15, 2005 (see Exhibit A, attached), and the Applicants' undersigned representative did not receive the Notice until December 20, 2005 (see the date stamp on Exhibit B, attached). For these reasons, Applicants request that this response be considered timely filed.

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